

TWENTY-SIXTH DAY.

Senate Chamber,
Austin, Texas,
February 18, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

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| Beck. | Parr. |
| Berkeley. | Parrish. |
| Cousins. | Patton. |
| Cunningham. | Poage. |
| DeBerry. | Pollard. |
| Greer. | Purl. |
| Hardin. | Rawlings. |
| Holbrook. | Russek. |
| Hopkins. | Small. |
| Hornsby. | Stevenson. |
| Loy. | Thomason. |
| Martin. | Williamson. |
| Moore. | Woodruff. |
| Oneal. | Woodward. |

Absent.

Gainer.

Absent—Excused.

Neal. Woodul.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Russek:

S. B. No. 402, A bill to be entitled "An Act regulating the business of selling horses and mules; requiring a license of vendors and dealers; providing the time, method and manner of obtaining licenses; providing for the revocation thereof; providing for the inspection by the Livestock Sanitary Commission; making an appropriation; prescribing fees of office; providing for said Commission to promulgate rules and regulations; providing for bills of sales; prescribing offenses, punishment, fines and penalties; and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senators Berkeley, Woodward: S. B. No. 403, A bill to be entitled "An Act declaring the lands set apart for the endowment of the University of Texas by the Constitution of 1876, and by an Act of the Legislature of 1883, which are now unsold, to be subject to taxation for county purposes in the counties in which they are located; requiring the State Tax Board to fix the values for the purpose of taxation; directing the tax collectors of certain counties to render a report to the Comptroller; providing that the State shall pay annually to each of the counties in which said lands are located an amount equal to the tax imposed upon said land for county purposes; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 404, A bill to be entitled "An Act to amend Article 7065-L of House Bill No. 6, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature which relates to reports to be made by distributors of gasoline and payment of tax on amount used by providing that if reports for the preceding three months show that more than one-half of the gasoline was not used in vehicles operated or intended to be operated in whole or in part upon any of the public highways, roads and streets of the State of Texas, that said distributor shall be required to pay only on that portion shown by the report to be not so used, and repealing all laws in conflict herewith.

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Hornsby:

S. B. No. 405, A bill to be entitled "An Act repealing Section 11 of Article 7152, Revised Statutes of Texas of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hornsby:

S. B. No. 406, A bill to be entitled "An Act amending Subdivision 4 of

Article 7047, Revised Civil Statutes of 1925; and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Loy:

S. B. No. 407, A bill to be entitled "An Act to amend Section 9, Chapter 14, Acts Forty-first Legislature, Third Called Session, so as to provide for aid to consolidated districts formed subsequent to January 1, 1917, and prior to September 1, 1929, under certain conditions and regulations; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Loy:

S. B. No. 408, A bill to be entitled "An Act providing that certain worthless securities shall be written off the books of the State as maintained by the Comptroller and the Treasurer, respectively, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Stevenson:

S. B. No. 409, A bill to be entitled "An Act fixing the compensation of district attorneys in each judicial district in this State containing five or more counties having a combined population, according to the Fifteenth Census of the United States, of the year 1930, of not less than 52,080, nor in excess of 52,090; providing how the same shall be paid; providing for an assistant district attorney in each such district; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodruff:

S. B. No. 410, A bill to be entitled "An Act authorizing the commissioners' court of Jack County, Texas, to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Small:

S. B. No. 411, A bill to be entitled "An Act to levy and collect annually a three-dollar road tax against all able-bodied male citizens of Collinworth County, Texas, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax, and repealing all laws in conflict therewith; and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

Free Conference Report.

Senator Hornsby sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, Feb. 18, 1931.

Hon Edgar E. Witt, President of the Senate.

and

Hon. Fred H. Minor, Speaker House of Representatives,
Austin, Texas.

Sirs: We, your Free Conference Committee, appointed to consider S. B. No. 6, have had the same under consideration and respectfully submit that we have agreed upon the following report:

An Act fixing the compensation of district attorneys in each judicial district in this State composed of only one county in which county there are two or more district courts with concurrent criminal jurisdiction, and which district courts have exclusive jurisdiction of all prosecutions for failing or refusing to pay over money belonging to the State under Chapter Two, of Title Four, of the Penal Code of 1925, and which district courts further have concurrent jurisdiction with all district courts in Texas in prosecutions involving the forging and uttering, using or passing of forged instruments in writing which concern or affect the title to land in this State, under Chapter Two of Title Four of the Code of Criminal Procedure of 1925; providing how said compensation shall be paid; providing for an assistant district attorney, a special investigator, and a stenographer in such district; fixing the compensation of said assistant, investigator, and stenographer and providing the method of payment of such compensation; repealing Ar-

ticles 322-a and 326k-2 of the Civil Statutes and all other laws and parts of laws, in so far, and only in so far, as they are in conflict with the provisions of this Act; providing that should any section of this Act be held to be invalid, unconstitutional or inoperative, no other section or part of section thereof shall be held to be affected thereby, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That District Attorneys in all Judicial Districts composed of only one county, in which county there are two or more district courts with concurrent criminal jurisdiction, and which district courts have exclusive jurisdiction of all prosecutions for failing or refusing to pay over money belonging to the State under Chapter Two (2) of Title Four (4) of the Penal Code of 1925, and which district courts further have concurrent jurisdiction with all district courts in Texas in prosecutions involving the forging and uttering, using or passing of forged instruments in writing which concern or affect the title to land in this State, under Chapter Two (2) of Title Four (4) of the Code of Criminal Procedure of 1925, shall hereafter receive from the State as pay for their services the sum of Five Hundred Dollars (\$500.00) per annum, as provided by the Constitution, and in addition thereto shall receive the sum of Three Thousand Five Hundred Dollars (\$3,500.00) per annum, said salary to be paid in monthly installments in the same manner as now provided for the payment of the Five Hundred Dollars (\$500.00) fixed by the Constitution. All commissions and fees allowed district attorneys by law, shall, when collected, be paid to the district clerk of such counties, who shall pay the same over to the State Treasurer.

Sec. 2. That in such judicial districts the district attorney, with the consent of either of the district judges, is hereby authorized to appoint one assistant district attorney, who shall receive a salary Three Thousand Dollars (\$3,000.00) per annum payable by the State monthly.

Sec. 3. That said assistant district attorney shall have all of the qualifications that are now required by law of District Attorneys, shall take an oath of office before one of

the district judges of such district, shall be subject to removal at the will of the district attorney, and under the direction of the district attorney, shall be authorized to perform any official act devolving upon or authorized to be performed by the district attorney.

Sec. 4. That in such judicial districts the commissioners' court is hereby authorized to appoint, at their discretion, an investigator, who shall receive a salary of not to exceed Twenty-four Hundred Dollars (\$2,400.00) per annum, and a stenographer who shall receive a salary of not to exceed Eighteen Hundred Dollars (\$1,800.00) per annum, said salaries to be paid monthly by the county comprising such judicial district, by warrant drawn upon the general funds thereof. Said investigator shall have authority to make arrests and execute all process in criminal cases.

Sec. 5. The fact that there is no law providing for the appointment of assistants, investigators or stenographers by such district attorneys, and the further fact that the crowded condition of the criminal dockets in the districts coming within the provisions of this Act demand immediate relief, creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

HORNSBY,
LOY,
MOORE,
DeBERRY,
POAGE,

On part of the Senate.

GRAVES,
YOUNG,
JOHNSON of Dimmit,
McGREGOR,
PETSCH,

On part of the House.

Read and adopted by the following vote:

Yeas—29.

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| Beck. | DeBerry. |
| Berkeley. | Gainer. |
| Cousins. | Greer. |
| Cunningham. | Hardin. |

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| Holbrook. | Pollard. |
| Hopkins. | Purl. |
| Hornsby. | Rawlings. |
| Loy. | Russek. |
| Martin. | Small. |
| Moore. | Stevenson. |
| Oneal. | Thomason. |
| Parr. | Williamson. |
| Parrish. | Woodruff. |
| Patton. | Woodward. |
| Poage. | |

Absent—Excused.

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| Neal. | Woodul. |
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Senators Excused.

Senator Neal was excused for the day on account of death in the family, on motion of Senator Moore.

Senator Woodul was excused for the day on account of important business, on motion of Senator Pollard.

Free Conference Committee Named.

The Chair announced the appointment of the following Free Conference Committee on H. B. No. 111:

Senators Patton, Thomason, Beck, Stevenson and Cousins.

Simple Resolution No. 50.

Senator Woodruff sent up the following resolution:

Whereas, During the first week of March, A. D., 1931, a debate is scheduled to be had in Austin between students of the University of Missouri and of the University of Texas, in which will be discussed the subject. "Resolved, That the Administration of President Herbert Hoover is to Be Condemned," the representatives of the University of Texas upholding the affirmative of the aforesaid proposition and the representatives of the University of Missouri asserting the negative, and

Whereas, the participants in said proposed discussion have made extensive research and investigation into the records and have assembled much interesting and pertinent information upon the subject, which is of present and future value concerning the political welfare of the nation, and which should be useful to the legislative bodies of the State of Texas at this time, therefore be it

Resolved, That the respective representatives of the University of Missouri and of the University of Texas

be invited to meet in the aforesaid discussion before a session of the Senate, of the Legislature of Texas in the hall of the Senate, at 7:30 p. m., Wednesday, March 4th, A. D., 1931, which is the Second Anniversary of the Inception of the Present Administration of the Nation's Affairs, and be it

Resolved, Further, that the Secretary of the Senate be, and he is hereby directed, to send to the President of the University of Texas and to the president of the University of Missouri, each, a copy of this resolution.

WOODRUFF.

Read and adopted.

Bill Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 75.

Addition to Senate Rule No. 92.

The Chair laid before the Senate an addition to Senate Rule No. 92 which was adopted by the Senate of the Thirty-eighth Legislature, Regular Session, page 1455 of the Senate Journal of that session, but which had inadvertently been omitted from the Legislative Manuals subsequent to that session.

The addition to the rule was read.

Senator Moore moved to print the rule in the Journal.

Senator Hardin moved as a substitute that the rule be referred to the Committee on Rules without being printed in the Journal.

Senator Woodruff moved to postpone indefinitely further consideration of the motion. The motion was lost.

The motion to refer without printing prevailed by the following vote:

Yeas—20.

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| Berkeley. | Martin. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| Gainer. | Patton. |
| Greer. | Pollard. |
| Hardin. | Russek. |
| Holbrook. | Small. |
| Hopkins. | Stevenson. |
| Hornsby. | Thomason. |
| Loy. | Williamson. |

Nays—9.

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| Beck. | Purl. |
| DeBerry. | Rawlings. |
| Moore. | Woodruff. |
| Oneal. | Woodward. |
| Poage. | |

Absent—Excused.

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| Neal. | Woodul. |
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Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 18, 1931.

Hon. Edgar Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 397, A bill to be entitled "An Act making appropriation to cover deficiencies in appropriations heretofore made for the support of the judiciary department of the State Government of the State of Texas for the fiscal years ending August 31, 1923, 1925, 1927, 1928, 1929, and 1930, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.
Hall of the House of Representatives,
Austin, Texas, Feb. 18, 1931.

Hon. Edgar Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on Senate Bill No. 6 by a vote of 124 yeas and 1 nay.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 392.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Thomason:

S. B. No. 392, A bill to be entitled "An Act making an appropriation for the benefit of Fastrill Common School District No. 10 of Cherokee County on account of the recent destruction of the school building and facilities in the territory now composing said district; directing the ex-

penditure of said money and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The Committee report was adopted.
The bill was read second time.

Senate Bill No. 187 Re-Committed.

On motion of Senator Woodruff, S. B. No. 187 was re-committed to the Committee on Criminal Jurisprudence.

Motion to Adjourn.

Senator Small moved to adjourn until 10 o'clock tomorrow morning. The motion was lost.

Senate Bill No. 392.

On motion of Senator Thomason, S. B. No. 392 was laid on the table subject to call.

House Bill Referred.

H. B. No. 397 referred to Committee on Finance.

Adjournment.

On motion of Senator Woodward, the Senate, at 12:20 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Feb. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 75 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 136 carefully examined and compared and find same correctly engrossed.

GAINER, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 265 carefully examined and compared and find same correctly engrossed.

GAINER, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 221 carefully examined and compared and find same correctly engrossed.

GAINER, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 373 carefully examined and compared and find same correctly engrossed.

GAINER, Vice-Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 17, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 70, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey, assign and/or transfer all right, title and interest of whatsoever class, kind or character, directly or indirectly belonging to the State of Texas, in and to certain abutting property known as the Texas City or Government Dike, to the City of Texas City in Galveston County, Texas, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 301, A bill to be entitled "An Act amending Article 3293 by adding thereto Article 3293-A providing for the appointment of an administrator for a person, where it is necessary that such be appointed, to receive funds or money due such person from the Federal Government; fixing venue and the grounds therefor; providing for the giving of notice; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed with the following committee amendment:

Insert after the word "receive" and before the word "funds" in line fourteen of the typewritten bill the word "only."

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 365, A bill to be entitled "An Act to create a court to be known as the County Court of Potter County at Law; to define the jurisdiction of said court and making the jurisdiction concurrent with the jurisdiction of the justice court in all causes, civil and criminal; to fix the terms thereof; to prove a clerk to be appointed by the county clerk of Potter County, and to fix his salary; to fix the qualifications, bond and salary and provide for the appointment, election or removal of the judge thereof; to provide for the transfer of any cases and appeal therefrom, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 35, A bill to be entitled "An Act providing for the payment of expenses of trial by jury in civil cases by the counties in which said cases are filed, except when such

cases are transferred and upon pleas of privilege; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 122, A bill to be entitled "An Act relating to bills of exception in district and county courts; enacting Article 2237A of Chapter 11, Title 42 of the Revised Civil Statutes of 1925, relating to practice in the district and county courts; requiring district and county judges to state the qualification of any Bill of Exception presented by either party to a suit and place such qualification in the record upon the trial of the case at the time the exception is reserved; enacting provisions designed to require prompt action on the part of the district or county judge in acting on Bills of Exception presented to him and outlining the procedure in case such judge does not comply with the statute; providing that this Act shall apply to civil and criminal cases; repealing all laws or parts of laws conflicting herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 132, A bill to be entitled "An Act amending Article 7298, Revised Civil Statutes of 1925, as amended by Chapter 81 of the Forty-first Legislature; providing that no defendant in any tax suit shall have the right to plead as defense in any court or in any manner rely upon any Statute of Limitation against payment of any taxes due to the State, any county, city, town, navigation district, drainage district, road dis-

trict, levee district, reclamation district, irrigation district, improvement district, independent school district, common school district, or any other districts authorized to assess and collect taxes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 269, A bill to be entitled "An Act amending Article 5222, Revised Civil Statutes of the State of Texas for 1925, providing for a landlord's lien upon the properties and crops of a tenant for rents and advances; also upon the crops of the tenant where the landlord furnishes everything and the tenant furnishes the labor to make the crop."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 9, A bill to be entitled "An Act validating all proceedings heretofore had and taken to organize, create or establish any and all drainage districts within this State under the provisions of Title 128, Chapter 7 and 8 of the Revised Civil Statutes, 1925, to-wit: Articles 8097 to 8197, both inclusive, of such Revised Civil Statutes, 1925, and validating and approving all orders heretofore made and proceedings had by or before the Commissioners' Courts of this State to so organize, create or establish any and all such drainage districts aforesaid, and validating all such drainage districts heretofore created under the above statutes, and validating all proceedings had and taken or orders made by or before any such Commissioners' Courts to authorize or authorizing the issuance of any and all bonds of

such drainage districts, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 381, A bill to be entitled "An Act to amend Article 996 of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 391, A bill to be entitled "An Act to provide for the prompt payment of the salary and expenses of official shorthand reporters, providing that when the general fund of the county is on deficiency, such salary and expenses may be paid from any other available fund; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 21, A bill to be entitled "An Act authorizing certain charitable and eleemosynary institutions incorporated under the laws of the State of Texas to exercise the right of eminent domain and condemnation within the confines of any incorporated city in this State having more than 43,000 inhabitants according to the United States Census of 1920, which city is in a county having a population of less than 100,000 inhabitants according to said census; and declaring an emergency."

Have had the same under consider-

ation and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 180, A bill to be entitled "An Act to make it a felony to threaten to take the life of any human being or to inflict serious bodily injury, or to burn, injure or destroy any property or anything of value from the person threatened; providing for the penalty therefor; and declaring an emergency."

Have had the same under consideration back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 219, A bill to be entitled "An Act for the prevention of the fraudulent operation or use of automatic vending machines, slot machines, coin-box telephones or coin receptacles, or making or furnishing devices to defraud owners, lessees or licensees of the same, and prescribing penalties for the violation of the provisions thereof; and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 341, A bill to be entitled "An Act making it an offense for any person to enter any farm, garden, orchard, fruit or pecan grove in this State with the intent to steal or carry away without the consent of the owner, or to aid or assist in stealing

or so carrying away any farm produce, garden produce, fruit or nuts, growing or gathered; providing that certain facts shall constitute prima facie evidence of intent to steal or to carry away without the consent of the owner, or to aid or to assist in stealing or so carrying away such property; defining the word steal; providing that, if part of the Act be held unconstitutional the remainder shall be valid; fixing a penalty; and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do not pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 5, A bill to be entitled "An Act amending Section 2, of Article 760, of the 1925 Code of Criminal Procedure of the State of Texas, so as to permit the Statement of Facts in a misdemeanor case to accompany the Transcript instead of being copied therein; and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 244, A bill to be entitled "An Act defining the offense of kidnapping for extortion, ransom or robbery, and prescribing the punishment; and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal

Jurisprudence, to whom was referred

H. B. No. 37, A bill to be entitled "An Act to amend Article 1083, 1084, 1085 and 1088 of the Code of Criminal Procedure of the State of Texas Revision of 1925, changing the age of a male delinquent child from seventeen years of age to eighteen years of age, the same as a female delinquent child; and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do not pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 149, A bill to be entitled "An Act to amend Article 1058 of the Code of Criminal Procedure of the State of Texas, being Acts of 1930, Forty-first Legislature, Fourth Called Session, page 93, Chapter 52, Section 1, and an Act to fix the compensation of grand jury bailiffs in counties having a population of one hundred fifty thousand (150,000) or more, according to the 1930 census, or which may hereafter have such population, and providing for an allowance to compensate such bailiffs for automobile expenses and upkeep; and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room.

Austin, Texas, Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 159, A bill to be entitled "An Act to amend Title 17, Chapter 1, of the Penal Code of the State of Texas, and to amend Article 1306 of the said Title and Chapter defining an attempt at arson, and providing a penalty for violation of Article 1316, and declaring an emergency."

Have had the same under consid-

eration, and beg leave to report it back to the Senate with the recommendation that it be not passed, but in lieu thereof that the Committee substitute do pass, being:

"An Act to amend Article 1316, Title 17, Chapter 1, of the Penal Code of 1925; further defining the offense of an attempt to commit arson; and declaring an emergency."

SMALL, Chairman.

Committee Room.

Austin, Texas, Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 261, A bill to be entitled "An Act to amend Article 768 of the Criminal Procedure of the State of Texas of 1925, vesting in trial judges discretionary authority to credit defendants in criminal cases with time spent in jail awaiting trial; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 138, A bill to be entitled "An Act to amend Article 273 of the Code of Criminal Procedure so as to allow the execution of a criminal bail bond by the sureties signing such bond, either in person or through an agent or attorney-in-fact; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and not printed.

SMALL, Chairman.

Committee Room.

Austin, Texas, Feb. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 255, A bill to be entitled "An Act amending Article 29 of the Code of Criminal Procedure, so as to

provide for the trial of misdemeanors upon complaint, without any information, in counties having no county attorney, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 256, A bill to be entitled "An Act to amend Article 2701 of the Revised Civil Statutes of the State of Texas, as adopted in 1925, so as to provide for the payment of ex-officio county school superintendents and expenses of such offices of the available school fund, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room.

Austin, Texas, Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 392, A bill to be entitled "An Act making an appropriation for the benefit of Fastrill Common School District No. 10 of Cherokee County on account of the recent destruction of the school building and facilities in the territory now composing said district; directing the expenditure of said money and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Committee Room.

Austin, Texas, Feb. 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred

S. B. No. 89, A bill to be entitled

"An Act to amend Section 1 Chapter 90, Acts of the 41st Legislature, First Called Session and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, with the following committee amendment:

Amend S. B. No. 89 by adding after the figures "1930" Line 6, Section 1, the following, to-wit: "And in all counties having a population of not less than 23,669 and not more than 23,750, according to the Federal Census of 1930 and an area of not less than 1290 nor more than 1300 square miles."

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 367, A bill to be entitled "An Act providing relief for the Frost Independent School District, of Navarro County, Texas, in order to aid said School District in rebuilding its properties and equipping its school destroyed by the cyclone which struck the community of Frost on May 6th, 1930; making an appropriation to said district for said purpose and for the maintenance of its schools, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BECK, Chairman.

By Greer.

S. B. No. 367.

A BILL

To Be Entitled

An Act providing relief for the Frost Independent School District, of Navarro County, Texas, in order to aid said School District in rebuilding its properties and equipping its school destroyed by the cyclone which struck the community of Frost on May 6th, 1930; making an appropriation to said District for said purpose and for the maintenance of its schools, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That by reason of the destruction by cyclone of Five Hundred Thousand (\$500,000.00) Dollars of property in the Community of Frost, Navarro County, Texas, on May 6th, 1930, and the resultant decrease in property values, the inability of the taxpayers to pay their taxes, and the destruction of school property and equipment by reason of said cyclone; all of which great public calamity, there is hereby appropriated to the said Frost Independent School District, Navarro County, Texas, the total sum of Twenty One Thousand Seven Hundred and Twenty Seven (\$21,727.00) Dollars to be used as follows:

For the purpose of equipping, constructing, repairing and rehabilitating the buildings of said District the sum of Fourteen Thousand Seven Hundred and Twenty Seven (\$14,727.00) Dollars.

For the purpose of maintaining said Schools for the year 1931 the sum of Thirty Five Hundred (\$3,500.00) Dollars. For the year 1932, the sum of Thirty Five Hundred (\$3,500.00) Dollars.

Sec. 2. Said moneys shall not be paid except on warrants of the Comptroller on sworn accounts as needed and as the construction progresses and the equipment is bought.

Sec. 3. Said appropriation is made for the purpose of relieving said District, and the amounts allotted herein are made on estimates, and, if any part of this appropriation shall be needed for another purpose, the same may be used by the officers of said District when, where and as needed, not to exceed the total amount of the general appropriation.

Sec. 4. The fact that thousands of dollars worth of property was destroyed by said cyclone, causing strife and consternation among the residents of said School District, and the inability of the people to restore said property and equip it to its former state by reason of the Constitutional limitation on the rate of taxes that may be imposed, creates and emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three separate days be suspended, and such rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.